

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the single outstanding ground of rejection is respectfully requested in light of the above amendments and the remarks that follow.

At the outset, applicants note the Examiner's indication that the Information Disclosure Statement filed June 7, 2004, fails to comply with 37 C.F.R. § 1.98(a)(2), which require a legible copy of each cited foreign patent document, each non-patent literature publication, for that portion which caused it to be listed, and all other information or that portion which caused it to be listed.

M.P.E.P. § 609.2 permits reference to an Information Disclosure Statement filed in a parent application of a continuation or divisional application without the ordinarily required copies.

In the June 7, 2004, Information Disclosure Statement, it was expressly stated that listed foreign patent publications and other documents may be found in the parent application. Throughout the prosecution of the many divisions and continuations associated with this subject matter, reference to the documents in the parent application has been sufficient and, in each case, the references were considered by the Examiner in the subsequently filed cases.

The Examiner is therefore requested to reconsider the objection to the Information Disclosure Statement and to consider the prior art referenced in the June 7, 2004, Information Disclosure Statement.

The Examiner has rejected claim 13 under 35 U.S.C. § 102(b) as anticipated by Haller (US 4,026,287).

By this Amendment, applicants have canceled claim 13 and presented new claims 14-18. New claim 14 now requires a hook extending from the bung towards the needle carrier with the

hook comprising at least one angle to tine, the hook engageable within the needle cup to secure the plunger to the needle hub in response to axial movement of the plunger towards the distal end of the barrel.

In Haller, the forward end of the plunger rod is provided with a thread 48 for selective engagement with the tapered forward end wall 14 which, in turn, is formed with an integral post 20 that carries the cannula 26. There is no disclosure or even remote suggestion in Haller of a hook engageable within a needle cup as now required by new independent claim 14. Accordingly, the Section 102(b) anticipation rejection should now be withdrawn.

New dependent claims 15-18 have been added to provide further protection for the subject invention. Claims are patentable in their own right but also in light of their dependence upon new independent claim 14.

The application is now believed to be in condition for immediate allowance, and early passage to issue is respectfully requested. In the event, however, any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Michael J. Keenan
Reg. No. 32,106

MJK:rrr
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100